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TRANSMITTAL FORM

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| | |
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| Application Number | 10/775,634 |
| Filing Date | February 10, 2004 |
| First Named Inventor | Jon D. PEARSON |
| Group Art Unit | 3871 |
| Examiner Name | Tara L. Mayo |
| Attorney Docket Number | 1284_001 (JPA-1) |
| Total Number of Pages in This Submission | 4 |

ENCLOSURES (check all that apply)

| | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Supplemental Response to the Examiner's Office Action (2 pp.); Return Mailroom Postcard; and Certificate of Express Mailing under Express Mail Label No. EV303719103US. |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289. |
| Express Mail Label No. EV303719103US | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|-------------------------|-----------------------------|-----------------|
| Firm or Individual name | Wall Marjama & Bilinski LLP | Reg. No. 43,473 |
| Signature | | |
| Date | January 26, 2005 | |

CERTIFICATE OF MAILING

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|---|-------------------|--------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail under Express Mail Label No. EV303719103US in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: <u>January 26, 2005</u> | | |
| Typed or printed name | Sarah A. Lockwood | |
| Signature | | Date January 26, 2005 |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Jon D. Pearson

Serial No: 10/775,634

Filing Date: 02/10/2004

Title: INFLATABLE DEVICE FOR
ADJUSTING THE SUPPORT
AND COMFORT OF A
MATTRESS

Group Art Unit: 3671

Examiner: Tara L. Mayo

**SUPPLEMENTAL RESPONSE TO OFFICE
ACTION**

VIA FACSIMILE AND EXPRESS MAIL

MAIL STOP AMENDMENT
Commissioner for Patents
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE TO THE EXAMINER'S OFFICE ACTION

In response to the Office Action dated November 1, 2004, Applicant filed a Response and Declaration under 37 CFR 1.132 on January 25, 2005.

Applicant hereby submits this Supplemental Response to the Amendment filed on January 25, 2005, providing a summary of the main points made in the Amendment and Response.

Summary

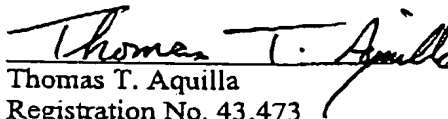
- Applicant's claims 1-18 each require an apparatus having at least the following features:
 - a) a substantially convex shape, that is thicker in the center region and gradually thinner towards the edges;
 - b) a material and constitution for maintaining the convex shape under the weight of the mattress and a person; and
 - c) a set of dimensions large enough to adjust the firmness, support, or sag for the majority of an area of the mattress used by the person.
- The prior art of record does not disclose, teach or suggest an apparatus having the foregoing claimed features.

- More particularly, U.S. Patent No. 6,665,898 to Gordon does not disclose, teach or suggest an apparatus having a substantially convex shape and a material and constitution for maintaining the convex shape under the weight of the mattress and a person. Gordon teaches neither the desirability of nor any means for maintaining a convex shape. Indeed, the apparatus of Gordon would not maintain a convex shape, particularly under the weight of the mattress and a person. More particularly, Gordon's apparatus would bulge and rock under the weight of a mattress and person, and therefore would not assume or maintain the shape shown in Gordon's Figure 3B. See Declaration of Jon D. Pearson under 37 CFR 1.132.
- Furthermore, Gordon clearly does not disclose, teach or suggest an apparatus having a set of dimensions large enough to adjust the firmness, support, or sag for the majority of an area of the mattress used by the person. Indeed, the Gordon patent expressly states that "the present invention seeks to correct this mattress sag in the center region 20 of the sleeping surface." (See Gordon at column 2, lines 41-43 and column 3, lines 1-4), which does not correspond to the majority of an area of the mattress used by the person, as expressly recited in Applicant's claims.
- Therefore, Gordon clearly does not disclose each and every element of Applicant's independent claims 1 and 7, from which the remaining claims depend, and thus the claims cannot be anticipated.
- Furthermore, the secondary references by Reeder *et al.* and Pepe do not cure the deficiencies of Gordon. See Declaration of Jon D. Pearson under 37 CFR 1.132.

Please direct any questions or comments to Thomas T. Aquilla at (607) 256-7330.

Date: January 26, 2005

Respectfully submitted,
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